

MEMORANDUM ENDORSEMENT

Brock v. CVS Corporation et al.,
22 CV 4014 (VB)

On May 10, 2023, the Court issued a Notice of Initial Conference, which (i) scheduled an initial conference for June 14, 2023, at 9:30 a.m., and (ii) directed the parties to complete and file the attached proposed Civil Case Discovery Plan and Scheduling Order, by June 7, 2023. (Doc. #75). To date, the parties have not done so.

Accordingly, the Court sua sponte extends, to June 12, 2023, at 12:00 p.m., the deadline for defense counsel to file a proposed Civil Case Discovery Plan and Scheduling Order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order, and the attached Notice of Initial Conference (Doc. #75), to plaintiff at the address on the docket.

Dated: June 8, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 6/8/23

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

6/8/23

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Revised March 7, 2022

Brock _____X

Plaintiff(s),

**NOTICE OF INITIAL
CONFERENCE**

Copy mailed by chambers
5-10-23 DH

v.

CVS Corp et al

22 CV 4014 (VB)

Defendant(s).

_____X

**THIS MATTER HAS BEEN SCHEDULED FOR AN INITIAL CASE
MANAGEMENT AND SCHEDULING CONFERENCE**, pursuant to Fed. R. Civ. P. 16,
on 6-14-23 at 9:30 a.m., at the United States
Courthouse, 300 Quarropas Street, Courtroom 620, White Plains, NY 10601.

**PLAINTIFF, OR COUNSEL FOR PLAINTIFF, SHALL NOTIFY ALL
PARTIES, IN WRITING, OF THE CONFERENCE DATE AND TIME, AND PROVIDE
ALL PARTIES WITH A COPY OF THIS NOTICE AND THE ATTACHED CIVIL CASE
DISCOVERY PLAN AND SCHEDULING ORDER (UNLESS THE CASE HAS BEEN
REMOVED FROM STATE COURT, IN WHICH EVENT COUNSEL FOR THE
REMOVING DEFENDANT(S) SHALL PROVIDE SUCH NOTICE TO ALL PARTIES).**

At the conference, counsel will be expected to provide a brief oral status report outlining the nature of the disputes requiring adjudication and setting forth the factual and legal bases for the claims and defenses. Subject matter jurisdiction will be considered, as well as all matters related to case management, including the possibility of settlement.

In cases in which Fed. R. Civ. P. 26(f) applies, counsel shall confer at least 21 days prior to the conference date and attempt in good faith to agree upon a proposed discovery plan that will ensure trial readiness within six (6) months of the conference date. **Counsel shall complete and file on the ECF docket the attached Civil Case Discovery Plan and Scheduling Order by 6-7-23.** After hearing from counsel, the Court will consider whether to grant a longer discovery period only for good cause shown.

Dated: 5-10-23
White Plains, NY

Donna M. Hilbert

Donna Hilbert
Deputy Clerk to Hon. Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Revised March 7, 2022

v.

Plaintiff(s),

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

CV (VB)

Defendant(s).

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by _____. (Absent exceptional circumstances, 30 days from date of this Order.)
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by _____. (Absent exceptional circumstances, 14 days from date of this Order.)
5. Fact Discovery
 - a. All fact discovery shall be completed by _____. (Absent exceptional circumstances, a period not to exceed 120 days from date of this Order.)
 - b. Initial requests for production of documents shall be served by _____.
 - c. Interrogatories shall be served by _____.

- d. Non-expert depositions shall be completed by _____.
- e. Requests to admit shall be served by _____.
- f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).

6. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed by _____. (Absent exceptional circumstances, 45 days from date in paragraph 5(a); i.e., the completion of all fact discovery.)
- b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by _____.
- c. Defendant's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by _____.
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. Additional provisions agreed upon by the parties are attached hereto and made a part hereof.

8. **ALL DISCOVERY SHALL BE COMPLETED BY _____.**
(Absent exceptional circumstances, a period not to exceed 6 months from date of this Order.)

9. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.

10. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.

11. The parties have conferred and their present best estimate of the length of the trial is _____.

12. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).
13. The Magistrate Judge assigned to this case is the Honorable Judith C. McCarthy.
14. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
15. The next case management conference is scheduled for _____ at _____. (The Court will set this date at the initial conference.)
16. Counsel shall discuss settlement in good faith. By no later than _____, counsel shall submit a joint letter regarding the status of their settlement discussions and indicating whether there is anything the Court can do to assist in that regard. (The Court will set this date at the initial conference.)

Dated: _____
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge